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10/736,079	12/15/2003	Lee Hill	9314-57	3249

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EXAMINER

EKONG, EMEM

ART UNIT PAPER NUMBER

2617

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/736,079

Applicant(s)

HILL ET AL.

Examiner

EMEM EKONG

Art Unit

2688

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 1-30 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Applicant's amendment to claim has been accepted therefore, objection has been withdrawn

### ***Response to Arguments***

2. Applicant's arguments filed 4/25/06 have been fully considered but they are not persuasive.

Applicant's argument that Mitchell does not teach encoding the authorization code is not persuasive. Mitchell discloses scrambling or encrypting the MIN and ESN, therefore Mitchell discloses applicant's limitation of "encoded authorization code".

In response to applicant's argument that the encoded MIN is not for restricting a user of the mobile terminal but cellular pirate is not persuasive for the reason that applicant has not specified who the user is, therefore, the cellular pirate can be the user.

Applicant's argument that the MIN is not an authorization code is not persuasive for reason that the MIN is used for access therefore can be used as an authorization code (col. 3 lines 24- 45, the user is assigned MIN, PIN and ESN used for access to MSC).

Therefore the argued limitations are the same as disclosed by the reference or the limitations are written broad such that they read on the cited art, rejections are maintained as repeated below.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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6. Claims 1, 2, 9-13,15,16,18,19, and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent No. 5,884,193 to Kaplan in view of U. S. Patent No. 5,517,554 to Mitchell et al..

Regarding claim 1, Kaplan discloses a method for controlling usage of a mobile terminal (col. 1 lines 8-11, and 57-63), the method comprising: receiving a usage specification including an identification of allowed numbers, an identification of restricted numbers, a usage time limitation, an expiration value and/or a specification of enabled services of the mobile terminal that are restricted (col. 1 lines 59-63); and

limiting usage of the mobile terminal based on the received usage specification responsive to receipt of a valid authorization code (col. 2 lines 4-8, col. 3 lines 26-29, and col. 4 lines 56-64); and

wherein receiving a usage specification and limiting usage further comprise at least one of the following: receiving a usage specification restricting access to enabled services of the mobile terminal including internet access services, multimedia messaging access services, email services, camera and/or video functions (col. 3 lines 38-42, system 100 is implemented in PCS device , and WLL telephone, it is inherent, that the PCS, and WLL devices are used for email and internet services).

However, Kaplan fails to disclose receiving the authorization code wherein the authorization code is encoded to-restrict viewing of the authorization code by a user of the mobile terminal

Mitchell et al. discloses wherein the authorization code is encoded to-restrict viewing of the authorization code by a user of the mobile terminal (col. 1 lines 57-59).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Kaplan, and have the authorization code is encoded to-restrict viewing of the authorization code by a user of the mobile terminal as disclosed by Mitchell et al. for the purpose of securing the device.

Regarding claim 2, the combination of Kaplan and Mitchell et al. discloses the method of claim 1 wherein the authorization code and/or the usage specification are received from a keypad and/or input screen of the mobile terminal (Kaplan, col.2 lines 2-8, and col. 5 lines 14-19).

Regarding claim 9, Kaplan discloses the method of claim 1 and providing a menu of usage restriction options to a user only if the authorization code is verified as valid; receiving a selection of restrictions from the user responsive to the provided menu; and generating the usage specification responsive to the received selection of restrictions (col. 4 lines 56-64, and col. 8 line 4- col. 9 line 43).

However, Kaplan fails to disclose wherein receiving a usage specification comprises: accessing a usage controls menu of the mobile terminal; prompting a user for entry of the authorization code; verifying the authorization code.

Mitchell et al. discloses wherein receiving a usage specification comprises: accessing a usage controls menu of the mobile terminal; prompting a user for entry of the authorization code; verifying the authorization code (see figure 2 step 100-112, and col. 3 lines 28-37).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Kaplan, by receiving a usage specification comprises: accessing a usage controls menu of the mobile terminal; prompting a user for entry of the authorization code; verifying the authorization code as disclosed by Mitchell et al for the purpose of authentication to prevent fraudulent usage.

Regarding claims 10-13, 15, 16, 18 and 19, the combination of Kaplan and Mitchell discloses the method of claim 9 wherein receiving a selection of restrictions comprises receiving a disable request and wherein generating the usage specification comprises generating a usage specification that includes no restrictions to place the mobile terminal in a normal operating mode (Kaplan, col. 8 lines 34-35);

wherein receiving a selection of restrictions comprises receiving an identification of allowed numbers (Kaplan, col. 10 lines 1-14);

wherein providing a menu includes providing a listing of numbers from a phone book of the mobile terminal to a display of the mobile terminal and wherein receiving a selection of restrictions comprises receiving a designation of ones of the displayed listing of numbers (Kaplan, col. 8 lines 9-22);

wherein receiving a selection of restrictions comprises receiving an identification of restricted numbers (Kaplan, col. 8 lines 9-22);

wherein receiving a selection of restrictions comprises receiving a specification of enabled services of the mobile terminal that are restricted and wherein the specification

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of enabled services includes a restriction on placement of long distance calls and/or calls to specified area codes from the mobile terminal (Kaplan, col. 7 lines 44-55);

wherein the specification of enabled services includes a restriction on placement of calls to specified area codes and wherein the restriction of placement of calls to specified area codes comprises a designation of allowed area codes for calls from the mobile terminal (Kaplan, see figure 4A step 6);

wherein limiting usage of the mobile terminal further comprises allowing placement of emergency calls even if usage of the mobile terminal is otherwise restricted (Kaplan, col. 10 lines 11-14);

wherein limiting usage of the mobile terminal further comprises allowing placement of calls to a specified number even if usage of the mobile terminal is otherwise restricted (Kaplan, col. 10 lines 1-14 and col. 7 line 44-col. 10 line 14).

Regarding claim 22, Kaplan discloses a usage control system for a mobile terminal (see figure 5), the system comprising: a user interface circuit for receiving from a user an authorization code (col. 3 lines 26-29) and a usage specification including an identification of allowed numbers, an identification of restricted numbers, a usage time limitation, an expiration value and/or a specification of enabled services of the mobile terminal that are restricted (col. 4 lines 25-55); and an access circuit configured to limit usage of the mobile terminal based on the received usage specification responsive to receipt of a valid authorization code (col. 3 line 66 – col. 4 line 24);



wherein the user interface circuit and the access circuit are further configured for-  
at least one of the following: receiving a usage specification restricting access to  
enabled services of the mobile terminal including internet access services, multimedia  
messaging access services, email services, camera and/or video functions(col. 3 lines  
38-42, system 100 is implemented in PCS device , and WLL telephone) it is inherent,  
that the PCS, and WLL devices are used for email and internet services.

However, Kaplan fails to disclose receiving the authorization code wherein the  
authorization code is encoded to-restrict viewing of the authorization code by a user of  
the mobile terminal

Mitchell et al. discloses wherein the authorization code is encoded to-restrict  
viewing of the authorization code by a user of the mobile terminal (col. 1 lines 57-59).

Therefore, it would have been obvious to one of ordinary skill in the art at the  
time of the invention to modify the invention of Kaplan, and have the authorization code  
is encoded to-restrict viewing of the authorization code by a user of the mobile terminal  
as disclosed by Mitchell et al. for the purpose of securing the device.

Regarding claims 23, and 24, the combination of Kaplan and Mitchell et al.  
discloses the system of claim 22 wherein a mobile terminal includes the usage control  
system; and

the user interface includes a keypad and/or input screen of the mobile terminal  
(Kaplan, see figures 1, and 5, col. 2 lines 2-8, and col. 4 lines 46-49).

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7. Claims 3-8, 20, and 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaplan in view of Mitchell et al., and further in view of U. S. Publication No. 2004/0203601 A1 to Morriss et al..

Regarding claims 3-8 and 20, the combination of Kaplan and Mitchell et al. discloses the method of claim 1, wherein the authorization code is encoded to restrict viewing of the authorization code by a user of the mobile terminal;

wherein the authorization code is a reset code and wherein the method further comprises over-riding the usage specification responsive to receipt of the reset code (Kaplan, col.2 lines 43-54, and col. 4 line 65-col. 5 line 20) and (Mitchell et al. col. 1 lines 57-59, col. 3 lines 39-45, and col. 4 lines 1-12);

However, the combination fails to disclose wherein the authorization code and/or the usage specification are received from a remote user over a wireless communication connection;

wherein the authorization code is received from a remote user over a wireless communication connection;

wherein over-riding the usage specification comprises selecting an alternative usage specification responsive to receipt of the reset code;

wherein the alternate usage specification includes no restrictions to return the mobile terminal to a normal operating mode;

wherein the usage time limitation includes a limitation on times of day when the mobile terminal may be used.

Morriss et al. discloses wherein the authorization code and/or the usage specification are received from a remote user over a wireless communication connection;

wherein the authorization code is received from a remote user over a wireless communication connection;

wherein over-riding the usage specification comprises selecting an alternative usage specification responsive to receipt of the reset code;

wherein the alternate usage specification includes no restrictions to return the mobile terminal to a normal operating mode;

wherein the usage specification is received from a remote user over a wireless communication connection;

wherein the usage time limitation includes a limitation on times of day when the mobile terminal may be used (pars. 0011, 0051, 0053, and 0055).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination, and have the authorization code and/or the usage specification are received from a remote user over a wireless communication connection as disclosed by Morriss et al. for the purpose of securing the terminal from a remote location when lost.

Regarding claims 25-29, Kaplan discloses the system of claim 24, wherein the authorization code is a reset code and wherein the access circuit is further configured to over-ride the usage specification responsive to receipt of the reset code to return the

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mobile terminal to a normal operating mode (col.2 lines 43-54, and col. 4 line 65-col. 5 line 20);

wherein the user interface further comprises: a usage controls menu of the mobile terminal; a menu of usage restriction options;

wherein the user interface is further configured to retrieve a listing of numbers from a phone book of the mobile terminal and to display the listing of numbers on a screen of the mobile terminal responsive to selection of an associated option on the menu of usage restriction options and to receive a designation of ones of the displayed listing of numbers to include in the usage specification (col. 4 lines 46-55, and col.8 lines 5- col. 9 line 43); and wherein the system further comprises a memory including an identification of a valid authorization code and usage restriction options (col. 4 lines 35-64).

However, Kaplan fails to disclose wherein the user interface is further configured to restrict viewing of the authorization code by a user of the mobile terminal

Mitchell et al. discloses the user interface is further configured to restrict viewing of (encrypting) the authorization code to prevent viewing (col. 1 lines 57-59).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Kaplan, and have the user interface is further configured to restrict viewing of the authorization code to prevent viewing as disclosed by Mitchell et al. for the purpose of intercepting fraudulent usage.

However, the combination of Kaplan and Mitchell et al. fails to disclose wherein the user interface further includes a transceiver configured to receive the authorization

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code and/or the usage specification from a remote user over a wireless communication connection.

Morriss et al. discloses wherein the user interface further includes a transceiver configured to receive the authorization code and/or the usage specification from a remote user over a wireless communication connection (pars. 0035, and 0037).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination, and have the user interface further includes a transceiver configured to receive the authorization code and/or the usage specification from a remote user over a wireless communication connection as disclosed by Morriss et al. for the purpose of locking the user interface when lost.

8. Claims 14, 17, 21, 31, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaplan in view of Mitchell, and further in view of U. S. Publication No. 20040209595 A1 to Bekanich.

Regarding claims 14, 17, 21, 31, and 32, the combination of Kaplan and Mitchell the method of claims 1, 9, and 22 wherein receiving a selection of restrictions comprises receiving a specification of enabled services of the mobile terminal that are restricted.

However, the combination fails to disclose wherein the specification of enabled services includes a restriction on Internet access services of the mobile terminal;

wherein the specification of enabled services includes a restriction on placement of calls when the mobile terminal is in a roaming mode;

wherein the usage time limitation includes a limitation on the duration of usage of the mobile terminal;

wherein user interface circuit is further configured to receive and receiving a selection of restrictions comprises receiving a usage specification restricting enabled services of the mobile terminal including internet access services, multimedia messaging access services, email services, camera and/or video functions.

Bekanich discloses wherein the specification of enabled services includes a restriction on internet access services of the mobile terminal;

wherein the specification of enabled services includes a restriction on placement of calls when the mobile terminal is in a roaming mode;

wherein the usage time limitation includes a limitation on the duration of usage of the mobile terminal (pars. 0019-0022, 0029-0034, 0044, 0086, and 0096);

receiving a selection of restrictions comprises receiving a usage specification restricting enabled services of the mobile terminal including internet access services, multimedia messaging access services, email services, camera and/or video functions (pars. 0092-0094).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination, and have the specification of enabled services includes a restriction on internet access services of the mobile terminal; and wherein the specification of enabled services includes a restriction on placement of calls when the mobile terminal is in a roaming mode, usage time, including internet access services, multimedia messaging access services, email services, camera and/or video

However, Morriss et al. fails to disclose receiving the authorization code wherein the authorization code is encoded to-restrict viewing of the authorization code by a user of the mobile terminal

Mitchell et al. discloses wherein the authorization code is encoded to-restrict viewing of the authorization code by a user of the mobile terminal (col. 1 lines 57-59).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Kaplan, and have the authorization code is encoded to-restrict viewing of the authorization code by a user of the mobile terminal as disclosed by Mitchell et al. for the purpose of securing the device.

### ***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to EMEM EKONG whose telephone number is 571 272 8129. The examiner can normally be reached on 8-5 Mon-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571 272 7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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EOE  
6/29/06

A handwritten signature in black ink, consisting of a stylized 'L' followed by a series of loops and a horizontal line.

**LESTER G. KINCAID**  
**SUPERVISORY PRIMARY EXAMINER**